

MEMORANDUM

Agenda Item No. 5 (AA)

(Public Hearing 06-07-05)

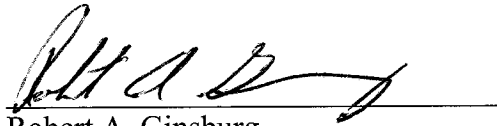
DATE: March 1, 2005

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Ordinance changing the
boundaries of the City of
Florida City

The accompanying ordinance was placed on the agenda at the request of the Infrastructure and Land Use Committee.


Robert A. Ginsburg
County Attorney

RAG/bw

Memorandum



Date: June 7, 2005

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

A large, stylized handwritten signature in black ink, appearing to read "Burgess".

Subject: Ordinance changing the Boundaries of the City of Florida City

This ordinance changing the boundaries of the City of Florida City will have no fiscal impact to Miami-Dade County.

The proposed annexation area is vastly undeveloped and agricultural requiring a minimal service level by the County. These services (mostly police services) are covered by the estimated value of general fund revenues generated within the area.

A handwritten signature in black ink, appearing to be "Al Y".

Assistant County Manager

Fiscal03205



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: June 7, 2005

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 5 (AA)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☒ No committee review

Approved _____ Mayor

Agenda Item No. 5 (AA)

Veto _____

06-07-05

Override _____

ORDINANCE NO. _____

ORDINANCE CHANGING THE BOUNDARIES OF THE CITY OF FLORIDA CITY, FLORIDA, AND AMENDING THE CHARTER OF SUCH MUNICIPALITY BY PROVIDING FOR THE ANNEXATION OF CERTAIN LANDS, UNDER AND PURSUANT TO PROCEEDINGS PRESCRIBED BY SECTION 5.04(B) OF THE HOME RULE CHARTER; PROVIDING FOR RESERVATION TO THE COUNTY OF ELECTRIC FRANCHISE, UTILITY TAX AND CIGARETTE TAX REVENUES; PROVIDING RETENTION OF GARBAGE AND REFUSE COLLECTION AND DISPOSAL; PROVIDING THAT THIS ORDINANCE WILL ONLY BECOME EFFECTIVE UPON THE OCCURRENCE OF CERTAIN EVENTS; SUPERSEDING CONFLICTING PROVISIONS; PROVIDING INTERDEPENDENCY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
MIAMI-DADE COUNTY, FLORIDA:**

Section 1. The municipal boundaries of the City of Florida City are hereby changed, extended and enlarged, and the charter of such municipality is hereby amended by the annexation to the City of Florida City of the following property:

**CITY OF FLORIDA CITY
ANNEXATION
LEGAL DESCRIPTION**

See Attachment 1 which is incorporated herein by reference.

encompassing an area described by Resolution No. 03-29 of the Mayor and City Council of the City of Florida City which resolution is attached hereto (Attachment 2) and made a part hereof by reference.

Section 2. Pursuant to Section 20-8.1, 20-8.2 and 20-8.3 of the Code of Miami-Dade County (Ordinance Nos. 61-8 as amended, 70-84 as amended, and 70-85 as amended), this ordinance shall be effective only upon the condition and with the reservation that the County shall continue to collect and reserve all electric franchise revenues accruing within the annexed area during the full term of the County franchise, and the County shall forever continue to collect and receive all utility tax revenues and all cigarette tax revenues accruing within the annexed area in the same manner as though the annexed area remained a part of the unincorporated areas of the County.

Section 3. Pursuant to Section 20-8.4, Code of Miami-Dade County (Ordinance No. 96-30 as amended), this ordinance shall be effective only upon the condition and with the reservation that the County shall forever continue to collect and dispose of all residential waste, if any, within the annexed area in the same manner as though such annexed areas remained part of the unincorporated areas of the County, unless the authority to collect such waste is delegated by the County to the governing body of the municipality through a twenty (20) year interlocal agreement which provides for collection services, and a twenty (20) year interlocal agreement which provides for disposal services in substantially the form approved by Resolution No. R-1198-95.

Section 4. This ordinance shall be effective only if the City of Florida City executes a duly authorized interlocal agreement wherein it agrees, among other things, to:

(a) pay to Miami-Dade County the annexed area's (i) prorated share of any County debt

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outstanding at the time the area is annexed for which revenues from the annexed area have been pledged for repayment of or security for such debt and (ii) its prorated share of any refunding of such debt; this obligation shall include, but not be limited to the annexed area's prorated share of the Stormwater Utility Revenue Bonds debt service and the Quality Neighborhood Improvement Program Bonds debt service, and

(b) obtain County pre-approval of land uses and land development regulations outside Miami-Dade County's Urban Development Boundary which shall be consistent with the Miami-Dade County Comprehensive Development Master Plan ("CDMP"), and agree that Miami-Dade County retains jurisdiction regarding applications to amend the CDMP or Developments of Regional Impact in connection with CDMP Amendments in that portion of the annexed area lying outside the Urban Development Boundary.

Section 5. The provisions of this ordinance are interdependent upon one another, and the entire ordinance shall be deemed invalid if any of its provisions are declared invalid or unconstitutional. If any of the sections of this ordinance are found or adjudged to be illegal, void or of no effect, the entire ordinance shall be null and void and of no force or effect.

Section 6. All special laws applying only to Miami-Dade County, Florida, or to any municipality in Miami-Dade County, or any general law which the Board of County Commissioners is authorized by the Constitution or the Home Rule Charter to supersede, nullify, modify or amend, or any part of any such law, or any prior ordinances or resolutions of Miami-Dade County in conflict with the procedures for the annexation of the annexed land by Florida City, are hereby superseded.

Section 7. This ordinance shall be subject to the adoption of an interlocal agreement between Florida City and Miami-Dade County which requires land uses and land development

regulations in the annexed area outside Miami-Dade County's Urban Development Boundary to be consistent with the Miami-Dade County Comprehensive Development Master Plan (Master Plan) and which provides further that Miami-Dade County retains jurisdiction regarding applications to amend the Master Plan or Developments of Regional Impact in connection with Master Plan Amendments in that portion of the annexed area lying outside the Urban Development Boundary

Section 8. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

RAG
CJD

Prepared by:

Cynthia Johnson-Stacks
Craig H. Collier

Sponsored by the Infrastructure and Land Use Committee

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Attachment 1

FLORIDA CITY ANNEXATION

Florida City's Annexation Area "C1"

Legal Description

A portion of Miami-Dade County, Florida being generally described as:

BEGINNING at the intersection of State Road 5 (U.S. Highway Number 1) with SW 352nd Street,

run east along SW 352 Street to the intersection with SW 137th Avenue (Tallahassee Road);

thence South along SW 137th Avenue (Tallahassee Road) to the intersection with SW 360th Street (Lucille Drive);

thence West along SW 360 Street (Lucille Drive) to the intersection with SW 147th Avenue (Naranja Road);

thence South along SW 147th Avenue (Naranja Road) to the intersection with SW 392nd Street;

thence West along SW 392nd Street to the intersection with SW 157 Avenue (Newton Road);

thence South along SW 157 Avenue (Newton Road) to the intersection with the South line of the North three-quarters of the North one-half of the Southeast one-quarter of Section 8, Township 58 South, Range 39 East (said South line being the location theoretically designated for non-existent SW 403rd Street);

thence West along the said South line of the North three-quarters of the North one-half of the Southeast one-quarter of Section 8 Township 58 South, Range 39 East (non-existent SW 403rd Street) to the intersection with Card Sound Road;

thence Northwesterly along Card Sound Road to the intersection with State Road 5 (U.S. Highway Number 1);

thence North along State Road 5 (U.S. Highway Number 1) to the intersection with SW 352nd Street and the POINT OF BEGINNING;

The portion of Miami-Dade County generally described above is more particularly described as follows:

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The portion of Miami-Dade County generally described above is more particularly described as follows:

The South one-half of Section 27, Township 57 South, Range 39 East.

The South one-half of Section 28, Township 57 South, Range 39 East.

The South one-half of Section 29, Township 57 South, Range 39 East.

The Southeast one-quarter of Section 30, Township 57 South, Range 39 East.

That portion of the Southwest one-quarter of Section 30, Township 57 South, Range 39 East, lying East of the centerline of State Road 5 (US 1) and lying East of the centerline of Card Sound Road.

That portion of Section 31, Township 57 South, Range 39 East, lying Northeasterly of the centerline of Card Sound Road.

Section 32, Township 57 South, Range 39 East.

Section 33, Township 57 South, Range 39 East.

Section 4, Township 58 South, Range 39 East.

That portion of Section 5, Township 58 South, Range 39 East, lying Northeasterly of the centerline of Card Sound Road.

That portion of the Northeast one-quarter of Section 6, Township 58 South, Range 39 East, lying Northeasterly of the centerline of Card Sound Road.

That portion of the North one-half of Section 8, Township 58 South, Range 39 East, lying Northeasterly of the centerline of Card Sound Road.

That portion of the North three-quarters of the North half of the Southeast one-quarter of Section 8, Township 58 South, Range 39 East, lying Northeasterly of the centerline of Card Sound Road.

All in Miami-Dade County, Florida.

RESOLUTION NO. 03-29

**A RESOLUTION OF THE CITY COMMISSION OF
THE CITY OF FLORIDA CITY REQUESTING THE
BOARD OF COUNTY COMMISSIONERS OF
MIAMI-DADE COUNTY TO EFFECT BY
ORDINANCE ANNEXATION OF THE SUBJECT
PROPERTY (AREA "C1") INTO THE
JURISDICTION OF THE CITY OF FLORIDA CITY**

WHEREAS, Section 5.04 of the Charter of Metropolitan Miami-Dade County, Florida, empowers the Board of County Commissioners of Miami-Dade County, Florida, to effect annexation on request of the governing body of a municipality; and

WHEREAS, the governing body of the City of Florida City consists of the City Commission; and

WHEREAS, the subject Annexation Area "C1" is located generally east of U. S. Highway 1 and south of East Palm Drive (SW 344th Street), and specific legal description of the subject real property is contained in Exhibit A attached to this resolution;

WHEREAS, the City of Florida City has prepared an annexation report containing the information and justification required by Chapter 20 of the Miami- Dade County Code (see Exhibit B);

WHEREAS, the proposed Annexation Area "C1" is adjacent to the City and can be more effectively served by Florida City services and facilities; and

WHEREAS, the City Commission of the City of Florida City is making this request in order to provide for its future city growth needs in a prudent and orderly fashion;

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSIONERS OF THE CITY OF FLORIDA CITY, FLORIDA:

That the City of Florida City hereby requests the Board of County Commissioners of Miami-Dade County, Florida, pursuant to Section 5.04 of the Charter of Metropolitan Miami-Dade County and Chapter 20 of the Miami-Dade County Code of Ordinances, to effect annexation of the property designated Area "C1" as legally described in Exhibit A attached hereto and made a part hereof. In addition, that formal application requesting this annexation be made to Miami-Dade County as soon as possible utilizing the annexation report contained in Exhibit B to this resolution.

PASSED AND ADOPTED by the Mayor and City Commissioners of the City of Florida City, Florida, this 9th day of September 2003.

Otis T. Wallace

OTIS T. WALLACE, Mayor

Attest:

Sheila Paul

SHEILA PAUL, City Clerk

Approved as to form and legal sufficiency:

Lloyd S. Marks

ELOYD S. MARKS, City Attorney

Offered by: Mayor Otis T. Wallace

Motion to adopt by Commissioner Dorsett seconded by Commissioner Shiver.

FINAL VOTE AT ADOPTION

Mayor Otis T. Wallace
Vice Mayor Eugene D. Berry
Commissioner Tommy Dorsett
Commissioner R.S. Shiver
Commissioner Juanita S. Smith

<u>Yes</u>
<u>Absent</u>
<u>Yes</u>
<u>Yes</u>
<u>Yes</u>

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

I, Sheila Paul
Of the City of Florida City, Florida, do hereby certify
that the above and foregoing is a true and correct
copy of the original thereof on file in this office.
WITNESS, my hand and the seal of said City

this 18th day of Sept. AD 2003

By: Sheila Paul

EXHIBIT A

Florida City's Annexation Area "C1"

Legal Description

SECTION - TOWNSHIP - RANGE

- 27-57-39 All of the south $\frac{1}{2}$ of Section 27-57-39.
- 28-57-39 All of the south $\frac{1}{2}$ of Section 28-57-39.
- 29-57-39 All of the south $\frac{1}{2}$ of Section 29-57-39.
- 30-57-39 All of Block 4, Section 30-57-39. All of Lots 1,2,3,4,13,14,15 & 16, Block 3, Section 30-57-39. That portion of Lot 5, Block 3, Section 30-57-39, lying east of the Center Line of US 1. Those portions of Lots 10,11 & 12, Block 3, Section 30-57-39, lying east of the Center Line of Card Sound Road.
- 31-57-39 All of Lots 1-8 and Lots 10-16, Block 1, Section 31-57-39. That part of Lot 9, Block 1, Section 31-57-39 lying east of Center line of Card Sound Road. All of Lot 1, Block 2, Section 31-57-39. Those portions of Lots 2,3,14,15 & 16, Block 2, Section 31-57-39 lying east of the Center Line of Card Sound Road. All of Lots 1,2,3,14,15 & 16, Block 4, Section 31-57-39. Those portions of Lots 4,5,6,10,11,12 & 13, Block 4, Section 31-57-39, lying east of Center Line of Card Sound Road.
- 32-57-39 All of section 32-57-39.
- 33-57-39 All of Section 33-57-39.
- 04-58-39 All of Section 04-58-39.
- 05-58-39 All of Block 1, Section 5-58-39. All of Lots 1-7 and Lots 11-16, Block 2, Section 5-58-39. Those portions of Lots 8,9,10, Block 2, Section 5-58-39, lying east of the Center Line of Card Sound Road. All of Lots 1,2,15 & 16 of Block 3, Section 5-58-39. Those portions of Lots 3,4,5,6,12,13 & 14, Block 3, Section 5-58-39, lying east of the Center Line of Card Sound Road. All of Block 4, Section 05-58-39.
- 06-58-39 Those portions of Lots 1,2, 15 & 16, Block 1, Section 06-58-39, lying east of the Center Line of Card Sound Road.
- 08-58-39 All of Lots 1-6 and Lots 12-16 of Block 1, Section 08-58-39. Those portions of Lots 7,8,10,& 11 of Block 1, Section 08-58-39 lying east of the Center Line of Card Sound Road. Those portions of Lot 1 and 16, Block 2, Section 08-58-39, lying east of the Center Line of Card Sound Road. All of Lot 1, the north $\frac{1}{2}$ of Lot 2 and the north $\frac{1}{2}$ of Lot 16, Block 4, Section 08-58-39. Those portions of Lots 3 and 4 and the north $\frac{1}{2}$ of the south $\frac{1}{2}$ of Lot 2, Block 4, Section 08-58-39, lying east of the Center Line of Card Sound Road.

Gross Area = 4,292 Acres

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EXHIBIT B

Annexation Area "C1" Report

(To be provided)

Proposed Florida City Annex Area "C1"

